

Connecticut General Statutes Annotated

Title 46B. Family Law (Refs & Annos)

Chapter 815J. Dissolution of Marriage, Legal Separation and Annulment (Refs & Annos)

Part I. General Provisions (Refs & Annos)

C.G.S.A. § 46b-56

§ 46b-56. Orders re custody, care, education, visitation and support of children. Best interests of the child. Access to records of minor children by noncustodial parent. Orders re therapy, counseling and drug or alcohol screening

Currentness

(a) In any controversy before the Superior Court as to the custody or care of minor children, and at any time after the return day of any complaint under [section 46b-45](#), the court may make or modify any proper order regarding the custody, care, education, visitation and support of the children if it has jurisdiction under the provisions of chapter 815p.¹ Subject to the provisions of [section 46b-56a](#), the court may assign parental responsibility for raising the child to the parents jointly, or may award custody to either parent or to a third party, according to its best judgment upon the facts of the case and subject to such conditions and limitations as it deems equitable. The court may also make any order granting the right of visitation of any child to a third party to the action, including, but not limited to, grandparents.

(b) In making or modifying any order as provided in subsection (a) of this section, the rights and responsibilities of both parents shall be considered and the court shall enter orders accordingly that serve the best interests of the child and provide the child with the active and consistent involvement of both parents commensurate with their abilities and interests. Such orders may include, but shall not be limited to: (1) Approval of a parental responsibility plan agreed to by the parents pursuant to [section 46b-56a](#); (2) the award of joint parental responsibility of a minor child to both parents, which shall include (A) provisions for residential arrangements with each parent in accordance with the needs of the child and the parents, and (B) provisions for consultation between the parents and for the making of major decisions regarding the child's health, education and religious upbringing; (3) the award of sole custody to one parent with appropriate parenting time for the noncustodial parent where sole custody is in the best interests of the child; or (4) any other custody arrangements as the court may determine to be in the best interests of the child.

(c) In making or modifying any order as provided in subsections (a) and (b) of this section, the court shall consider the best interests of the child, and in doing so may consider, but shall not be limited to, one or more of the following factors: (1) The temperament and developmental needs of the child; (2) the capacity and the disposition of the parents to understand and meet the needs of the child; (3) any relevant and material information obtained from the child, including the informed preferences of the child; (4) the wishes of the child's parents as to custody; (5) the past and current interaction and relationship of the child with each parent, the child's siblings and any other person who may significantly affect the best interests of the child; (6) the willingness and ability of each parent to facilitate and encourage such continuing parent-child relationship between the child and the other parent as is appropriate, including compliance with any court orders; (7) any manipulation by or coercive behavior of the parents in an effort to involve the child in the parents' dispute; (8) the ability of each parent to be actively involved in the life of the child; (9) the child's adjustment to his or her home, school and community environments; (10) the length of time that the child has lived in a stable and satisfactory environment and the desirability of maintaining continuity in such environment, provided the court may consider favorably a parent who voluntarily leaves the child's family home pendente lite in order to alleviate stress in the household; (11) the stability of the child's existing or proposed residences, or both; (12) the mental and physical health of all individuals involved, except that a disability of a proposed custodial parent or other party, in and of itself,

shall not be determinative of custody unless the proposed custodial arrangement is not in the best interests of the child; (13) the child's cultural background; (14) the effect on the child of the actions of an abuser, if any domestic violence has occurred between the parents or between a parent and another individual or the child; (15) whether the child or a sibling of the child has been abused or neglected, as defined respectively in [section 46b-120](#); and (16) whether the party satisfactorily completed participation in a parenting education program established pursuant to [section 46b-69b](#). The court is not required to assign any weight to any of the factors that it considers.

(d) Upon the issuance of any order assigning custody of the child to the Commissioner of Children and Families, or not later than sixty days after the issuance of such order, the court shall make a determination whether the Department of Children and Families made reasonable efforts to keep the child with his or her parents prior to the issuance of such order and, if such efforts were not made, whether such reasonable efforts were not possible, taking into consideration the best interests of the child, including the child's health and safety.

(e) In determining whether a child is in need of support and, if in need, the respective abilities of the parents to provide support, the court shall take into consideration all the factors enumerated in [section 46b-84](#).

(f) When the court is not sitting, any judge of the court may make any order in the cause which the court might make under this section, including orders of injunction, prior to any action in the cause by the court.

(g) A parent not granted custody of a minor child shall not be denied the right of access to the academic, medical, hospital or other health records of such minor child, unless otherwise ordered by the court for good cause shown.

(h) Notwithstanding the provisions of subsections (b) and (c) of this section, when a motion for modification of custody or visitation is pending before the court or has been decided by the court and the investigation ordered by the court pursuant to [section 46b-6](#) recommends psychiatric or psychological therapy for a child, and such therapy would, in the court's opinion, be in the best interests of the child and aid the child's response to a modification, the court may order such therapy and reserve judgment on the motion for modification.

(i) As part of a decision concerning custody or visitation, the court may order either parent or both of the parents and any child of such parents to participate in counseling and drug or alcohol screening, provided such participation is in the best interests of the child.

Credits

(1958 Rev., § 46-42; 1973, P.A. 73-373, § 15; 1974, P.A. 74-169; § 8, eff. May 13, 1974; 1975, P.A. 75-530, § 12, eff. June 30, 1975; 1977, P.A. 77-488, § 2; 1978, P.A. 78-230, § 27, eff. Oct. 1, 1978; 1978, P.A. 78-318, § 28; 1980, P.A. 80-29; 1981, P.A. 81-402, § 1; 1984, P.A. 84-42; [1993, P.A. 93-319, § 3](#); [1999, P.A. 99-137](#); [2001, P.A. 01-186, § 12](#); [2002, May 9 Sp.Sess., P.A. 02-7, § 35, eff. August 15, 2002](#); [2003, P.A. 03-19, § 105, eff. May 12, 2003](#); [2005, P.A. 05-258, § 3](#).)

[Notes of Decisions \(424\)](#)

Footnotes

[1](#) [C.G.S.A. § 46b-115 et seq.](#)

C. G. S. A. § 46b-56, CT ST § 46b-56

Current with Public Acts enrolled and approved by the Governor on or before June 25, 2013 and effective on or before July 1, 2013, except for Public Acts 13-184, 13-196, 13-234, and 13-247

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

Connecticut General Statutes Annotated

Title 46B. Family Law (Refs & Annos)

Chapter 815J. Dissolution of Marriage, Legal Separation and Annulment (Refs & Annos)

Part I. General Provisions (Refs & Annos)

C.G.S.A. § 46b-56a

§ 46b-56a. Joint custody. Definition. Presumption. Conciliation.

Parental responsibility plan. Modification of orders

Currentness

(a) For the purposes of this section, “joint custody” means an order awarding legal custody of the minor child to both parents, providing for joint decision-making by the parents and providing that physical custody shall be shared by the parents in such a way as to assure the child of continuing contact with both parents. The court may award joint legal custody without awarding joint physical custody where the parents have agreed to merely joint legal custody.

(b) There shall be a presumption, affecting the burden of proof, that joint custody is in the best interests of a minor child where the parents have agreed to an award of joint custody or so agree in open court at a hearing for the purpose of determining the custody of the minor child or children of the marriage. If the court declines to enter an order awarding joint custody pursuant to this subsection, the court shall state in its decision the reasons for denial of an award of joint custody.

(c) If only one parent seeks an order of joint custody upon a motion duly made, the court may order both parties to submit to conciliation at their own expense with the costs of such conciliation to be borne by the parties as the court directs according to each party's ability to pay.

(d) In any proceeding before the Superior Court involving a dispute between the parents of a minor child with respect to the custody, care, education and upbringing of such child, the parents shall file with the court, at such time and in such form as provided by rule of court, a proposed parental responsibility plan that shall include, at a minimum, the following: (1) A schedule of the physical residence of the child during the year; (2) provisions allocating decision-making authority to one or both parents regarding the child's health, education and religious upbringing; (3) provisions for the resolution of future disputes between the parents, including, where appropriate, the involvement of a mental health professional or other parties to assist the parents in reaching a developmentally appropriate resolution to such disputes; (4) provisions for dealing with the parents' failure to honor their responsibilities under the plan; (5) provisions for dealing with the child's changing needs as the child grows and matures; and (6) provisions for minimizing the child's exposure to harmful parental conflict, encouraging the parents in appropriate circumstances to meet their responsibilities through agreements, and protecting the best interests of the child.

(e) The objectives of a parental responsibility plan under this section are to provide for the child's physical care and emotional stability, to provide for the child's changing needs as the child grows and to set forth the authority and responsibility of each parent with respect to the child.

(f) If both parents consent to a parental responsibility plan under this section, such plan shall be approved by the court as the custodial and access orders of the court pursuant to [section 46b-56](#), unless the court finds that such plan as submitted and agreed to is not in the best interests of the child.

(g) The court may modify any orders made under this section in accordance with [section 46b-56](#).

Credits

(1981, P.A. 81-402, § 2; [2005, P.A. 05-258, § 4](#).)

[Notes of Decisions \(19\)](#)

C. G. S. A. § 46b-56a, CT ST § 46b-56a

Current with Public Acts enrolled and approved by the Governor on or before June 25, 2013 and effective on or before July 1, 2013, except for Public Acts 13-184, 13-196, 13-234, and 13-247

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

Connecticut General Statutes Annotated

Title 46B. Family Law (Refs & Annos)

Chapter 815J. Dissolution of Marriage, Legal Separation and Annulment (Refs & Annos)

Part I. General Provisions (Refs & Annos)

C.G.S.A. § 46b-56b

§ 46b-56b. Presumption re best interest of child to be in custody of parent

[Currentness](#)

In any dispute as to the custody of a minor child involving a parent and a nonparent, there shall be a presumption that it is in the best interest of the child to be in the custody of the parent, which presumption may be rebutted by showing that it would be detrimental to the child to permit the parent to have custody.

Credits

(1985, P.A. 85-244, § 2, eff. May 30, 1985; 1986, P.A. 86-224; 1986, P.A. 86-403, § 81, eff. June 11, 1986.)

[Notes of Decisions \(18\)](#)

C. G. S. A. § 46b-56b, CT ST § 46b-56b

Current with Public Acts enrolled and approved by the Governor on or before June 25, 2013 and effective on or before July 1, 2013, except for Public Acts 13-184, 13-196, 13-234, and 13-247

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

Connecticut General Statutes Annotated

Title 46B. Family Law (Refs & Annos)

Chapter 815J. Dissolution of Marriage, Legal Separation and Annulment (Refs & Annos)

Part I. General Provisions (Refs & Annos)

C.G.S.A. § 46b-56c

§ 46b-56c. Educational Support Orders

Effective: October 1, 2011

[Currentness](#)

(a) For purposes of this section, an educational support order is an order entered by a court requiring a parent to provide support for a child or children to attend for up to a total of four full academic years an institution of higher education or a private occupational school for the purpose of attaining a bachelor's or other undergraduate degree, or other appropriate vocational instruction. An educational support order may be entered with respect to any child who has not attained twenty-three years of age and shall terminate not later than the date on which the child attains twenty-three years of age.

(b) (1) On motion or petition of a parent, the court may enter an educational support order at the time of entry of a decree of dissolution, legal separation or annulment, and no educational support order may be entered thereafter unless the decree explicitly provides that a motion or petition for an educational support order may be filed by either parent at a subsequent date. If no educational support order is entered at the time of entry of a decree of dissolution, legal separation or annulment, and the parents have a child who has not attained twenty-three years of age, the court shall inform the parents that no educational support order may be entered thereafter. The court may accept a parent's waiver of the right to file a motion or petition for an educational support order upon a finding that the parent fully understands the consequences of such waiver.

(2) On motion or petition of a parent, the court may enter an educational support order at the time of entry of an order for support pendente lite pursuant to [section 46b-83](#).

(3) On motion or petition of a parent, the court may enter an educational support order at the time of entering an order of support pursuant to [section 46b-61](#) or [46b-171](#) or similar section of the general statutes, or at any time thereafter.

(4) On motion or petition of a parent, the court may enter an educational support order at the time of entering an order pursuant to any other provision of the general statutes authorizing the court to make an order of support for a child, subject to the provisions of [sections 46b-212](#) to [46b-213w](#), inclusive.

(c) The court may not enter an educational support order pursuant to this section unless the court finds as a matter of fact that it is more likely than not that the parents would have provided support to the child for higher education or private occupational school if the family were intact. After making such finding, the court, in determining whether to enter an educational support order, shall consider all relevant circumstances, including: (1) The parents' income, assets and other obligations, including obligations to other dependents; (2) the child's need for support to attend an institution of higher education or private occupational school considering the child's assets and the child's ability to earn income; (3) the availability of financial aid from other sources, including grants and loans; (4) the reasonableness of the higher education to be funded considering the child's academic record and the financial resources available; (5) the child's preparation for, aptitude for and commitment to higher education; and (6) evidence, if any, of the institution of higher education or private occupational school the child would attend.

(d) At the appropriate time, both parents shall participate in, and agree upon, the decision as to which institution of higher education or private occupational school the child will attend. The court may make an order resolving the matter if the parents fail to reach an agreement.

(e) To qualify for payments due under an educational support order, the child must (1) enroll in an accredited institution of higher education or private occupational school, as defined in [section 10a-22a](#), (2) actively pursue a course of study commensurate with the child's vocational goals that constitutes at least one-half the course load determined by that institution or school to constitute full-time enrollment, (3) maintain good academic standing in accordance with the rules of the institution or school, and (4) make available all academic records to both parents during the term of the order. The order shall be suspended after any academic period during which the child fails to comply with these conditions.

(f) The educational support order may include support for any necessary educational expense, including room, board, dues, tuition, fees, registration and application costs, but such expenses shall not be more than the amount charged by The University of Connecticut for a full-time in-state student at the time the child for whom educational support is being ordered matriculates, except this limit may be exceeded by agreement of the parents. An educational support order may also include the cost of books and medical insurance for such child.

(g) The court may direct that payments under an educational support order be made (1) to a parent to be forwarded to the institution of higher education or private occupational school, (2) directly to the institution or school, or (3) otherwise as the court determines to be appropriate.

(h) On motion or petition of a parent, an educational support order may be modified or enforced in the same manner as is provided by law for any support order.

(i) This section does not create a right of action by a child for parental support for higher education.

(j) An educational support order under this section does not include support for graduate or postgraduate education beyond a bachelor's degree.

(k) The provisions of this section shall apply only in cases when the initial order for parental support of the child is entered on or after October 1, 2002.

Credits

(2002, P.A. 02-128, § 1; 2011, P.A. 11-214, § 6.)

[Notes of Decisions \(22\)](#)

C. G. S. A. § 46b-56c, CT ST § 46b-56c

Current with Public Acts enrolled and approved by the Governor on or before June 25, 2013 and effective on or before July 1, 2013, except for Public Acts 13-184, 13-196, 13-234, and 13-247

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

Connecticut General Statutes Annotated

Title 46B. Family Law (Refs & Annos)

Chapter 815J. Dissolution of Marriage, Legal Separation and Annulment (Refs & Annos)

Part I. General Provisions (Refs & Annos)

C.G.S.A. § 46b-56d

§ 46b-56d. Relocation of parent with minor child. Burden of proof. Factors considered by court

Currentness

(a) In any proceeding before the Superior Court arising after the entry of a judgment awarding custody of a minor child and involving the relocation of either parent with the child, where such relocation would have a significant impact on an existing parenting plan, the relocating parent shall bear the burden of proving, by a preponderance of the evidence, that (1) the relocation is for a legitimate purpose, (2) the proposed location is reasonable in light of such purpose, and (3) the relocation is in the best interests of the child.

(b) In determining whether to approve the relocation of the child under subsection (a) of this section, the court shall consider, but such consideration shall not be limited to: (1) Each parent's reasons for seeking or opposing the relocation; (2) the quality of the relationships between the child and each parent; (3) the impact of the relocation on the quantity and the quality of the child's future contact with the nonrelocating parent; (4) the degree to which the relocating parent's and the child's life may be enhanced economically, emotionally and educationally by the relocation; and (5) the feasibility of preserving the relationship between the nonrelocating parent and the child through suitable visitation arrangements.

Credits

(2006, P.A. 06-168, § 1.)

Notes of Decisions (16)

C. G. S. A. § 46b-56d, CT ST § 46b-56d

Current with Public Acts enrolled and approved by the Governor on or before June 25, 2013 and effective on or before July 1, 2013, except for Public Acts 13-184, 13-196, 13-234, and 13-247

Connecticut General Statutes Annotated

Title 46B. Family Law (Refs & Annos)

Chapter 815J. Dissolution of Marriage, Legal Separation and Annulment (Refs & Annos)

Part I. General Provisions (Refs & Annos)

C.G.S.A. § 46b-56e

§ 46b-56e. Orders of custody or visitation re children of deploying parent

Effective: July 1, 2012

[Currentness](#)

(a) For the purposes of this section:

(1) “Armed forces” means the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including the Connecticut National Guard performing duty as provided in Title 32 of the United States Code;¹

(2) “Deploy” means military service in compliance with military orders received by a member of the armed forces to report for combat operations, contingency operations, peacekeeping operations, a remote tour of duty or other active duty, except state active duty. “Deployment” includes a period of time during which a member of the armed forces remains subject to deployment orders and remains deployed on account of sickness, wounds or other lawful cause;

(3) “Deploying parent” means a parent who is a member of the armed forces and has been notified by military leadership that he or she will deploy or mobilize with the armed forces;

(4) “Mobilize” means the call-up of National Guard or Reserve service members to extended active duty. “Mobilization” does not include National Guard or Reserve annual training, inactive duty days, drill weekends, temporary duty or state active duty; and

(5) “Nondeploying parent” means a parent who has not been notified by military leadership that he or she will deploy or mobilize with the armed forces.

(b) If a deploying parent is required to be separated from a child of such parent during a deployment or mobilization, a court shall not enter a final order of custody or visitation modifying a final order of custody or visitation issued pursuant to [section 46b-56](#), [46b-56a](#) or [46b-61](#) until ninety days after such parent's deployment or mobilization ends, unless such modification is agreed to by the deploying parent.

(c) If a parent is a member of the armed forces, has sole or joint custody of a child or court ordered visitation, parental access or parenting time and receives notice from military leadership that he or she will deploy or mobilize in the near future and will be required to be separated from such child due to such deployment or mobilization, then upon motion of such deploying parent or the nondeploying parent, a court may enter temporary orders of custody or visitation modifying final orders of custody or visitation during the period of such deployment or mobilization if: (1) The deployment or mobilization would have a material effect upon the deploying parent's ability to exercise parental rights and responsibilities or parent-child contact as set forth in

the existing final orders of custody or visitation, and (2) the court finds that such modification is in the best interests of the child. In issuing such temporary modification orders, the court shall be guided by the provisions of the general statutes pertaining to custody and visitation. Motions for temporary modification of final orders of custody or visitation because of deployment or mobilization shall be given priority for this purpose.

(d) A temporary court order modifying final orders of custody or visitation issued under subsection (c) of this section shall require that: (1) Whenever the deploying parent is granted leave from such deployment or mobilization, the nondeploying parent shall make the child available to the deploying parent to the extent requested by the deploying parent, provided (A) such request for visitation time is not inconsistent with that provided for in the final orders of custody or visitation being modified by such temporary court order, and (B) the child shall not be absent from school unless ordered by the court or agreed to, in writing, by both parents; (2) the nondeploying parent facilitate opportunities for telephonic, electronic mail, and other such contact between the deploying parent and the child during deployment or mobilization; and (3) the deploying parent provide timely information regarding his or her leave schedule to the nondeploying parent. Changes in actual leave dates shall not be used by the nondeploying parent as a justification to limit contact between the deploying parent and the child.

(e) A temporary court order modifying final orders of custody or visitation issued under subsection (c) of this section shall specify that deployment or mobilization is the basis for the order and shall be entered by the court as a temporary order. The order shall further require the nondeploying parent to provide the court and the deploying parent with thirty days' advance written notice of any change of address and any change of telephone number, unless a court has ordered that the deploying party is not entitled to this information.

(f) If pendente lite orders of custody or visitation are in place or if there are no existing orders of custody or visitation establishing the terms of parental rights and responsibilities or parent-child contact and it appears that deployment or mobilization of a parent who is a member of the armed forces is imminent, upon motion by either parent, the court shall expedite a hearing to establish temporary parental rights and responsibilities and parent-child contact to (1) ensure the deploying parent has access to the child, provided such access is in the best interests of the child; (2) ensure disclosure of information; (3) grant other rights and duties set forth in this section; and (4) provide other appropriate relief. Any initial pleading filed to establish parental rights and responsibilities or parent-child contact with a child of a deploying parent shall be so identified at the time of filing by stating in the text of the pleading the specific facts related to deployment or mobilization.

(g) Nothing in this section shall preclude the court from hearing a motion at least ninety days after the return of the deploying parent for permanent modification of final orders of custody and visitation issued pursuant to [section 46b-56, 46b-56a or 46b-61](#). The nondeploying parent shall bear the burden of showing that reentry of final orders of custody or visitation, issued pursuant to [section 46b-56, 46b-56a or 46b-61](#), in effect before the deployment or mobilization is no longer in the best interests of the child. The absence of a deploying parent due to deployment or mobilization shall not be the sole basis for modifying such orders.

Credits

(2012, P.A. 12-90, § 1, eff. July 1, 2012.)

Footnotes

¹ 32 U.S.C.A. § 101 et seq.

C. G. S. A. § 46b-56e, CT ST § 46b-56e

Current with Public Acts enrolled and approved by the Governor on or before June 25, 2013 and effective on or before July 1, 2013, except for Public Acts 13-184, 13-196, 13-234, and 13-247

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

Connecticut General Statutes Annotated

Title 46B. Family Law (Refs & Annos)

Chapter 815J. Dissolution of Marriage, Legal Separation and Annulment (Refs & Annos)

Part I. General Provisions (Refs & Annos)

C.G.S.A. § 46b-57

§ 46b-57. Third party intervention re custody of minor children. Preference of child

Currentness

In any controversy before the Superior Court as to the custody of minor children, and on any complaint under this chapter or [section 46b-1](#) or [51-348a](#), if there is any minor child of either or both parties, the court, if it has jurisdiction under the provisions of chapter 815p, ¹ may allow any interested third party or parties to intervene upon motion. The court may award full or partial custody, care, education and visitation rights of such child to any such third party upon such conditions and limitations as it deems equitable. Before allowing any such intervention, the court may appoint counsel for the child or children pursuant to the provisions of [section 46b-54](#). In making any order under this section, the court shall be guided by the best interests of the child, giving consideration to the wishes of the child if the child is of sufficient age and capable of forming an intelligent preference.

Credits

(1958 Rev., § 46-47; 1973, P.A. 73-373, § 17; 1974, P.A. 74-169, § 10, eff. May 13, 1974; 1978, P.A. 78-230, § 32, eff. Oct. 1, 1978; 1978, P.A. 78-318, § 29; [2003, P.A. 03-19, § 106, eff. May 12, 2003.](#))

[Notes of Decisions \(26\)](#)

Footnotes

¹ [C.G.S.A. § 46b-115 et seq.](#)

C. G. S. A. § 46b-57, CT ST § 46b-57

Current with Public Acts enrolled and approved by the Governor on or before June 25, 2013 and effective on or before July 1, 2013, except for Public Acts 13-184, 13-196, 13-234, and 13-247

Connecticut General Statutes Annotated

Title 46B. Family Law (Refs & Annos)

Chapter 815J. Dissolution of Marriage, Legal Separation and Annulment (Refs & Annos)

Part I. General Provisions (Refs & Annos)

C.G.S.A. § 46b-58

§ 46b-58. Custody, maintenance and education of adopted children

[Currentness](#)

The authority of the superior court to make and enforce orders and decrees as to the custody, maintenance and education of minor children in any controversy before the court between husband and wife brought under the provisions of this chapter is extended to children adopted by both parties and to any natural child of one of the parties who has been adopted by the other.

Credits

(1958 Rev., §§ 46-26a, 46-58; 1963, P.A. 414; 1973, P.A. 73-373, § 31; 1978, P.A. 78-230, § 43, eff. Oct. 1, 1978.)

C. G. S. A. § 46b-58, CT ST § 46b-58

Current with Public Acts enrolled and approved by the Governor on or before June 25, 2013 and effective on or before July 1, 2013, except for Public Acts 13-184, 13-196, 13-234, and 13-247

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

Connecticut General Statutes Annotated

Title 46B. Family Law (Refs & Annos)

Chapter 815J. Dissolution of Marriage, Legal Separation and Annulment (Refs & Annos)

Part I. General Provisions (Refs & Annos)

C.G.S.A. § 46b-59

§ 46b-59. Petition for right of visitation with minor child. Order for payment of fees

Effective: June 6, 2013

[Currentness](#)

(a) As used in this section:

(1) “Grandparent” means a grandparent or great-grandparent related to a minor child by (A) blood, (B) marriage, or (C) adoption of the minor child by a child of the grandparent; and

(2) “Real and significant harm” means that the minor child is neglected, as defined in [section 46b-120](#), or uncared for, as defined in said section.

(b) Any person may submit a verified petition to the Superior Court for the right of visitation with any minor child. Such petition shall include specific and good-faith allegations that (1) a parent-like relationship exists between the person and the minor child, and (2) denial of visitation would cause real and significant harm. Subject to subsection (e) of this section, the court shall grant the right of visitation with any minor child to any person if the court finds after hearing and by clear and convincing evidence that a parent-like relationship exists between the person and the minor child and denial of visitation would cause real and significant harm.

(c) In determining whether a parent-like relationship exists between the person and the minor child, the Superior Court may consider, but shall not be limited to, the following factors:

(1) The existence and length of a relationship between the person and the minor child prior to the submission of a petition pursuant to this section;

(2) The length of time that the relationship between the person and the minor child has been disrupted;

(3) The specific parent-like activities of the person seeking visitation toward the minor child;

(4) Any evidence that the person seeking visitation has unreasonably undermined the authority and discretion of the custodial parent;

(5) The significant absence of a parent from the life of a minor child;

(6) The death of one of the minor child's parents;

(7) The physical separation of the parents of the minor child;

(8) The fitness of the person seeking visitation; and

(9) The fitness of the custodial parent.

(d) In determining whether a parent-like relationship exists between a grandparent seeking visitation pursuant to this section and a minor child, the Superior Court may consider, in addition to the factors enumerated in subsection (c) of this section, the history of regular contact and proof of a close and substantial relationship between the grandparent and the minor child.

(e) If the Superior Court grants the right of visitation pursuant to subsection (b) of this section, the court shall set forth the terms and conditions of visitation including, but not limited to, the schedule of visitation, including the dates or days, time and place or places in which the visitation can occur, whether overnight visitation will be allowed and any other terms and conditions that the court determines are in the best interest of the minor child, provided such conditions shall not be contingent upon any order of financial support by the court. In determining the best interest of the minor child, the court shall consider the wishes of the minor child if such minor child is of sufficient age and capable of forming an intelligent opinion. In determining the terms and conditions of visitation, the court may consider (1) the effect that such visitation will have on the relationship between the parents or guardians of the minor child and the minor child, and (2) the effect on the minor child of any domestic violence that has occurred between or among parents, grandparents, persons seeking visitation and the minor child.

(f) Visitation rights granted in accordance with this section shall not be deemed to have created parental rights in the person or persons to whom such visitation rights are granted, nor shall such visitation rights be a ground for preventing the relocation of the custodial parent. The grant of such visitation rights shall not prevent any court of competent jurisdiction from thereafter acting upon the custody of such child, the parental rights with respect to such child or the adoption of such child and any such court may include in its decree an order terminating such visitation rights.

(g) Upon motion, the court may order the payment of fees for another party, the attorney for the minor child, the guardian ad litem, or any expert by any party in accordance with such party's financial ability.

Credits

(1978, P.A. 78-69; 1979, P.A. 79-8; 1983, P.A. 83-95; [2012, P.A. 12-137, § 1](#); [2013, P.A. 13-97, § 6](#), eff. [June 6, 2013](#).)

[Notes of Decisions \(72\)](#)

C. G. S. A. § 46b-59, CT ST § 46b-59

Current with Public Acts enrolled and approved by the Governor on or before June 25, 2013 and effective on or before July 1, 2013, except for Public Acts 13-184, 13-196, 13-234, and 13-247

Connecticut General Statutes Annotated

Title 46B. Family Law (Refs & Annos)

Chapter 815J. Dissolution of Marriage, Legal Separation and Annulment (Refs & Annos)

Part I. General Provisions (Refs & Annos)

C.G.S.A. § 46b-59a

§ 46b-59a. Mediation of disputes re enforcement of visitation rights

[Currentness](#)

The Office of the Chief Court Administrator may establish programs of mediation for the timely resolution of disputes involving the enforcement of visitation rights.

Credits

(1986, P.A. 86-359, § 42, eff. July 1, 1987; 1986, P.A. 86-403, § 117, eff. June 11, 1986.)

C. G. S. A. § 46b-59a, CT ST § 46b-59a

Current with Public Acts enrolled and approved by the Governor on or before June 25, 2013 and effective on or before July 1, 2013, except for Public Acts 13-184, 13-196, 13-234, and 13-247

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

Connecticut General Statutes Annotated

Title 46B. Family Law (Refs & Annos)

Chapter 815J. Dissolution of Marriage, Legal Separation and Annulment (Refs & Annos)

Part I. General Provisions (Refs & Annos)

C.G.S.A. § 46b-59b

§ 46b-59b. Court may not grant visitation to parent convicted of murder. Exception

Currentness

Notwithstanding any provisions of this chapter, no court shall make an order granting the right of visitation to a parent who has been convicted of murder under [section 53a-54a](#), [53a-54b](#), [53a-54c](#) or [53a-54d](#), or in any other jurisdiction, of any crime the essential elements of which are substantially the same as any of such crimes, unless the child who is the subject of the visitation order is of sufficient age to signify such child's wishes and such child assents to such order. Until any such visitation order is granted, no person shall visit, with the child present, such parent who has been convicted of murder without the consent of the child's parent, guardian or legal custodian.

Credits

(1998, P.A. 98-81, § 19, eff. July 1, 1998; 2001, P.A. 01-211, § 16.)

C. G. S. A. § 46b-59b, CT ST § 46b-59b

Current with Public Acts enrolled and approved by the Governor on or before June 25, 2013 and effective on or before July 1, 2013, except for Public Acts 13-184, 13-196, 13-234, and 13-247

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

Connecticut General Statutes Annotated

Title 46B. Family Law (Refs & Annos)

Chapter 815J. Dissolution of Marriage, Legal Separation and Annulment (Refs & Annos)

Part I. General Provisions (Refs & Annos)

C.G.S.A. § 46b-61

§ 46b-61. Orders re children where parents live separately. Commencement of proceedings

Effective: May 10, 2010

[Currentness](#)

In all cases in which the parents of a minor child live separately, the superior court for the judicial district where the parties or one of them resides may, on the application of either party and after notice is given to the other party, make any order as to the custody, care, education, visitation and support of any minor child of the parties, subject to the provisions of [sections 46b-54](#), [46b-56](#), [46b-57](#) and [46b-66](#). Proceedings to obtain such orders shall be commenced by service of an application, a summons and an order to show cause.

Credits

(1958 Rev., § 46-62; 1973, P.A. 73-373, § 19; 1974, P.A. 74-169, § 12, eff. May 13, 1974; 1978, P.A. 78-230, § 46, eff. Oct. 1, 1978; 1978, P.A. 78-280, § 2, eff. July 1, 1978; [1999, P.A. 99-215, § 4, eff. Jan. 1, 2000](#); [2010, P.A. 10-32, § 139, eff. May 10, 2010](#).)

[Notes of Decisions \(2\)](#)

C. G. S. A. § 46b-61, CT ST § 46b-61

Current with Public Acts enrolled and approved by the Governor on or before June 25, 2013 and effective on or before July 1, 2013, except for Public Acts 13-184, 13-196, 13-234, and 13-247

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

Connecticut General Statutes Annotated

Title 46B. Family Law (Refs & Annos)

Chapter 815J. Dissolution of Marriage, Legal Separation and Annulment (Refs & Annos)

Part I. General Provisions (Refs & Annos)

C.G.S.A. § 46b-69b

§ 46b-69b. Parenting education program

Currentness

(a) The Judicial Department shall establish a parenting education program for parties involved in any action before the Superior Court under [section 46b-1](#), except actions brought under [section 46b-15](#) and chapter 815t. ¹ For the purposes of this section, “parenting education program” means a course designed by the Judicial Department to educate persons, including unmarried parents, on the impact on children of the restructuring of families. The course shall include, but not be limited to, information on the developmental stages of children, adjustment of children to parental separation, dispute resolution and conflict management, guidelines for visitation, stress reduction in children and cooperative parenting.

(b) The court shall order any party to an action specified in subsection (a) of this section to participate in such program whenever a minor child is involved in such action unless (1) the parties agree, subject to the approval of the court, not to participate in such program, (2) the court, on motion, determines that participation is not deemed necessary, or (3) the parties select and participate in a comparable parenting education program. A family support magistrate may order parties involved in any action before the Family Support Magistrate Division to participate in such parenting education program, upon a finding that such participation is necessary and provided both parties are present when such order is issued. No party shall be required to participate in such program more than once. A party shall be deemed to have satisfactorily completed such program upon certification by the service provider of the program.

(c) The Judicial Department shall, by contract with service providers, make available the parenting education program and shall certify to the court the results of each party's participation in the program.

(d) Any person who is ordered to participate in a parenting education program shall pay directly to the service provider a participation fee, except that no person may be excluded from such program for inability to pay such fee. Any contract entered into between the Judicial Department and the service provider pursuant to subsection (c) of this section shall include a fee schedule and provisions requiring service providers to allow persons who are indigent or unable to pay to participate in such program and shall provide that all costs of such program shall be covered by the revenue generated from participants' fees. The total cost for such program shall not exceed two hundred dollars per person. Such amount shall be indexed annually to reflect the rate of inflation. The program shall not exceed a total of ten hours.

(e) Any service provider under contract with the Judicial Department pursuant to this section shall provide safety and security for participants in the program, including victims of family violence.

Credits

(1993, P.A. 93-319, § 1; 1994, May 25 Sp.Sess., P.A. 94-1, § 99, eff. July 1, 1994; 1997, June 18 Sp.Sess., P.A. 97-7, § 35, eff. July 1, 1997; 2002, P.A. 02-132, § 16.)

[Notes of Decisions \(9\)](#)

Footnotes

[1](#) [C.G.S.A. § 46b-120 et seq.](#)

C. G. S. A. § 46b-69b, CT ST § 46b-69b

Current with Public Acts enrolled and approved by the Governor on or before June 25, 2013 and effective on or before July 1, 2013, except for Public Acts 13-184, 13-196, 13-234, and 13-247

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.